



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

November 12, 2013

Paul Massera
California Water Plan Update 2013
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

SUBJECT: COMMENTS ON CALIFORNIA WATER PLAN UPDATE 2013, VOLUME 1

Dear Mr. Massera,

The Metropolitan Water District of Southern California (Metropolitan) appreciates this opportunity to comment on the public review draft ("PRD") of Volume 1 of the California Water Plan Update for 2013 ("CWP 2013 Update"). Metropolitan seeks to enhance collaboration and coordination of water resource planning among all California stakeholders and supports DWR's efforts to do so.

Metropolitan agrees with the CWP 2013 Update's vision and themes emphasizing investment in innovation, infrastructure, and integration and would like to provide feedback to clarify and enhance the document.

As a member of the California Water Plan Advisory Board, Metropolitan would have liked to have been more involved in the drafting process of the CWP 2013 Update. According to the Background section, the CWP 2013 Update "must be embraced by agencies and voting bodies that can implement the related actions." (PRD at 8-1:30-31). Though Metropolitan is a member of the CWP Advisory Board, it did not see the most recent draft of the CWP 2013 Update until it was released for public comment on October 2, 2013. Prior drafts were presented in different formats and in pieces. In addition, webinar discussion format in June on the objective was very limited and not conducive to vetting of issues. Thus, Metropolitan requests that DWR share and discuss the response to comments with the Advisory Board members before the response to comments is released to the public, and Metropolitan and other Advisory Board members should be included in the process to produce the next public review draft that responds to comments.

The Public Review Draft of Volume 1 includes a new Objective 7 in Chapter 8 titled: "Manage the Delta to Achieve the Coequal Goals for California." While this overall objective is consistent with state policy articulated in the Sacramento-San Joaquin Delta Reform Act of 2009 ("Delta Reform Act"), the October 2, 2013 draft includes several Related Actions under this objective that should be substantially revised or, in some instances, removed altogether because they are inconsistent with the Urban Water Management Planning Act and/or the Delta Reform Act. Some of the narrative background material should also be revised to accurately reflect the relevant legal framework. Specific comments and rationale for revisions to this Objective and its Related Actions are provided in Attachment A.

Attachment A also includes detailed comments on other sections. If you have any questions regarding these comments or need additional information, please contact Grace Chan at gchan@mwadh2o.com or (213) 217-6403.

Sincerely,

Grace Chan

Manager, Climate and Sustainability Group
Metropolitan Water District of Southern California

ATTACHMENT A: SPECIFIC COMMENTS AND SUGGESTIONS FOR CWP 2013 UPDATE		
Reference		Comments
Executive Summary		
p.ES-1, line 7	“This necessitates doing more with less” does not echo the focus of the Plan. Suggest adding concepts of actions such as - <i>This necessitates rethinking the status quo and employ innovations to devise cost-effective and efficient solutions.</i>	
p.ES-4, line 4	“... the financing methods of the past are no longer sustainable.” Disagree with statement as existing financing methods are still valid. Should say – <i>relying solely on financing methods of the past are not enough.</i>	
Chapter 1: Planning for Environmental, Economic, and Social Prosperity		
p.1-1, line 32-35	Delete sentences “California still depends on....will occur in form of societal catastrophes such as floods, droughts, and species/habitat extinction.” These sentences are judgmental opinions, not facts. Many dams and canals from the past still have values in protecting lives and property, managing wet and dry year supplies, and supporting the economy. In addition, new investments in dams, canals, and their expansions are still happening. When constructed at the right locations with ecosystem/habitat protection and mitigation, these investments do not borrow “against opportunities for our future prosperity.”	
Chapter 8: Roadmap For Action		
Guiding Principle 1, p.8-3	In addition to the co-equal goal concept, supply and quality is treated as one consideration. Throughout, I propose that DWR (supply planning) and State and regional water quality boards be encouraged to participate in joint efforts in order to achieve better integration of supply and quality considerations.	
Objective 2	Related actions are proposed for this objective that include conducting joint studies among DWR, the SWRCB, and other entities to promote water use efficiency (2.2) and expanded use of recycled water (2.3). Action 2.8 proposes that all levels of government should establish policies and promote better urban runoff management and reuse and moves to direct local communities to make capital investments. Thus far, regulatory focus from SWRCB and the regional water boards has been on the surface water quality benefits of stormwater capture investments and regulations and permits have made management of stormwater for water supply a secondary consideration. We recommend that DWR and the SWRCB jointly review regional experience and input for stormwater capture for water supply and water quality to prepare recommendations for improved integration of water supply and quality considerations with focus on cost effective measures.	
Action 3.8	We recommend that this action be expanded to direct DWR and SWRCB to jointly review and recommend new or revised policies, regulations and a timeline for implementing this this action. An advisory task force comprised of water supply and groundwater management entities regions throughout the State should be established to provide input to the joint DWR and SWRCB review.	
Action 3.9	To assist with implementation of this proposed action, it is recommended that the Water Commission with local flood control districts seek federal authorization and appropriation for the U.S. Army Corps of Engineers to participate in review and identification of facility upgrades and modifications and operational changes to federal flood control systems for capture and conservation of additional stormwater for water supply.	
Objective 4	This proposes a set of Related Actions that focus first and foremost on water quality. Integration with water supply objectives is barely recognized as a significant need. We highly recommend that the SWRCB engage with DWR and local stakeholders to review regional experience and input for stormwater capture for water supply and water quality to prepare recommendations for improved integration of water supply and water quality considerations as recommended under Objective 2.	
Action 4.3	The specific actions 4.3.1 through 4.3.4 do not implement Related Action 4.3, and should be revised to do so.	

Action 4.4	<p>This action references recommendations from the CWP Resource Management Strategies found in Vol. 3. The recommendations are not listed or summarized. At minimum a link to the referenced recommendations should be provided.</p>
Objective 7 Page 8-18, lines 28-32	<p>The summary of the coequal goals in Objective 7 should be revised to be consistent with the Delta Reform Act.</p> <p>The brief summary of the coequal goals and state policy set forth in the draft of Objective 7 includes a misquotation and a potential mischaracterization of the Delta Reform Act of 2009. Thus, there are several important corrections that should be made to the discussion of the coequal goals. First, the draft language includes the following misquotation from Water Code section 85021: “The policy of the State of California is to reduce reliance on the Delta in meeting California’s future water supply needs.” The quotation is only part of the following full sentence in the statute: “The policy of the State of California is to reduce reliance on the Delta in meeting California’s future water supply needs <u>through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.</u>” (Cal. Water Code, § 85021, emphasis added.) The underscored language should not be omitted in the first instance, let alone without any ellipses in the quotation to indicate to the reader that the text is a partial quote from the statute. It is particularly important not to omit such language, since it specifies that the policy is to be achieved not by regulating at the local water supplier level, but through a statewide strategy of investing in regional self-reliance.</p> <p>In addition, the short paragraph concludes by stating: “Here was recognition that, for the sake of the water system and the Delta both, <u>a partial weaning of the one from the other is required.</u>” (PRD at p. 8-1831-32, emphasis added.) The sentence is vague and ambiguous, and should be revised to accurately characterize State policy as expressed in the Delta Reform Act. The “partial weaning” of water supply reliability from ecosystem health in the Delta could be interpreted to mean that water supply reliability should be re-established at the same time the health of the Delta ecosystem is protected and enhanced, as the BDCP is designed to do. (See Pub. Resources Code, § 29702 [state policy to achieve the coequal goals]; Water Code, §§ 85020 [objectives inherent in the coequal goals, including restoration of Delta ecosystem and improving water conveyance, storage, and statewide water use efficiency], 85054 [definition of coequal goals], 85302(a) [“The implementation of the Delta Plan shall further the restoration of the Delta ecosystem and a reliable water supply.”], 85304 [requiring Delta Plan to “promote options for new and improved infrastructure relating to the water conveyance in the Delta, storage systems, and for the operation of both to achieve the coequal goals.”], 85320 [providing for incorporation of the BDCP into the Delta Plan].) But others could misinterpret it to mean that water supplies from the Delta must be partially curtailed in order to protect and enhance the Delta ecosystem. The latter interpretation finds no support in the Delta Reform Act, is fraught with further ambiguity and controversy, and should be avoided.</p> <p>Indeed, the Delta Reform Act expresses the coequal goals in separate sections from the statewide policy to achieve regional self-reliance by way of a statewide strategy of investment in “regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.” (Compare Pub. Resources Code, § 29702 and Water Code, §§ 85020, 85054 [state policy regarding the coequal goals], with § 85021 [reduced reliance on the Delta watershed through statewide investment in regional self-reliance].) The next draft of Objective 7 should be revised to avoid conflating the coequal goals specific to the Delta with the statewide investment strategy to further regional self-reliance.</p> <p>Finally, if the next public review draft of Volume 1 discusses the policy of reduced reliance on the Delta watershed at all, it should be clearly stated in the plain language used in the Delta Reform Act to avoid confusion. The Delta Reform Act provides:</p> <p style="text-align: center;">The policy of the State of California is to reduce reliance on the Delta in meeting</p>

	<p>California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts. (Water Code, § 85021.)</p>
Action 7.1	<p>Action 7.1 should be revised to either eliminate the summary of the Delta Plan, or, at a minimum, insert the word “applicable” in front of the phrase “policies of the Delta Plan” on page 8-19, line 7 and revise the summary to accurately reflect the language in Delta Plan General Policy 1/23 Cal. Code Regs. § 5002(b)(1).</p> <p>It is unclear why the CWP 2013 Update needs to include a summary of the Delta Plan. However, if such background is going to be included, it should be rigorously checked against the Delta Reform Act and the Delta Plan and associated regulations for accuracy. Please note that a Certification of Consistency under the Delta Plan need not include detailed findings regarding consistency with <u>every</u> policy in the Delta Plan, as currently stated on page 8-19, line 7, but only those policies that are implicated by the covered action. (Delta Plan, General Policy 1 (“G P1”); 23 Cal. Code Regs. § 5002(b)(1).) Indeed, a covered action may be consistent with the Delta Plan even if it is not consistent with each implicated policy in the Delta Plan.¹ (<i>Ibid.</i>)</p>
Action 7.2.2	<p>Draft Related Action 7.2.2 should be deleted from the CWP 2013 Update because the Department of Water Resources lacks the authority to mandate inclusion of an “expanded” water supply reliability element in UWMPs, it is inconsistent with the fundamental local planning purposes of UWMPs, and DWR must consult with and include the regulated community in any process to revise requirements for water management plans.</p> <p>1. The Department of Water Resources lacks the authority to mandate inclusion of an “expanded” water supply reliability element in UWMPs to include “details recommended in the Delta Plan.”</p> <p>Draft Related Action 7.2.2 provides: DWR, in consultation with the Delta Stewardship Council, the SWRCB, and others, should develop and approve guidelines for the preparation of a water supply reliability element as part of the update of an urban water management plan, agricultural water management plan, integrated water management plan, or other plan that provides equivalent information about the supplier’s planned investments in water conservation and water supply development.</p> <p>(PRD, Vol. 1, Ch. 8 at p. 8-19:13-17.) It further specifies that this “expanded” element “should include the details recommended in the Delta Plan[,]” and “[w]ater suppliers that receive water from the Delta watershed” should include this “expanded” water reliability element starting in 2015. (<i>Id.</i> at p. 8-19:17-20.)</p> <p>Draft Related Action 7.2.2 does not state what “details recommended in the Delta Plan” should be included. Presumably, this refers to Delta Plan Water Resource Recommendation 4 (WR R4), titled: “Expanded Water Supply Reliability Element.” (Delta Plan, Ch. 3, WR R4 at</p>

¹ The specific provision in G P1 and 23 Cal. Code Regs. § 5002(b)(1) states:

Covered actions, in order to be consistent with the Delta Plan, must be consistent with this regulatory policy and with each of the regulatory policies contained in Article 3 implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals.

	<p>p. 104.) WR R4 recommends that water suppliers that receive water from the Delta watershed should include in their UWMPs, AWMPs, IRWMPs, or “other plan that provides equivalent information about the supplier’s planned investments in water conservation and water supply development”:</p> <ul style="list-style-type: none"> a. Details about how each supplier is reducing reliance on the Delta [watershed] and improving regional self-reliance consistent with Water Code section 85021 through investments in local and regional programs and projects; b. Documentation of the expected outcome for a measurable reduction in reliance on the Delta [watershed] and improvement in regional self-reliance; and, at a minimum; c. A plan for possible interruption of water supplies for up to 36 months due to catastrophic events impacting the Delta; d. Evaluation of the regional water balance; e. A climate change vulnerability assessment; and f. An evaluation of the extent to which the supplier’s rate structure promotes and sustains efficient water use. <p>(Delta Plan, Ch. 3, WR R4 at p. 104.)</p> <p>Under the Delta Reform Act, the Delta Stewardship Council lacks the authority to regulate the contents of UWMPs, directly or indirectly. Indeed, its attempt to do so embodied in Water Resources Policy 1 (WR P1) and the corresponding regulation (Cal. Code Regs., Tit. 23, § 5003) are the subject of multiple lawsuits that have recently been coordinated in the Sacramento Superior Court.²</p> <p>While the Delta Reform Act includes the state policy of reduced reliance on water from the Delta watershed through statewide investment in regional self-reliance, that policy is distinct from the coequal goals (compare Pub. Resources Code, § 29702 [establishing state policy of achieving the coequal goals] with Water Code, § 85021 [establishing state policy of regional reduced reliance on Delta watershed through statewide investment strategy]); reduced reliance is not listed among the objectives the Legislature declared to be inherent in the coequal goals (Water Code, § 85020); and the Legislature did not include reduced reliance in the specific requirements for the Delta Plan (Water Code, §§ 85300-85308). Indeed, the definition of a “covered action” in the Delta Reform Act limits the application of the Delta Plan policies to actions occurring in whole or in part <u>in</u> the Delta or Suisun Marsh (Water Code, § 85057.5(a)(1)). Further, the Delta Reform Act expressly declares that “[i]t is the intent of the Legislature that <u>state and local land use actions</u> identified as “covered actions” pursuant to Section 85057.5 be consistent with the Delta Plan. This section’s findings, policies, and goals apply to <u>Delta land use planning and development</u>.” (Water Code, § 85022(a), emphasis added.)</p> <p>Thus, the Delta Plan recommendations for water suppliers statewide to alter their UWMPs or other water management plans clearly exceed the scope and intent of the Delta Plan. Also, the Legislature explicitly restricted the Delta Plan consistency requirement to covered <u>land use actions in</u> the Delta, and did not intend it to serve as a basis for the Delta Stewardship Council, let alone DWR, to “expand” the reliability element in UWMPs or other water management planning documents throughout the state.</p> <p>DWR’s scope of authority with respect to the contents of UWMPs is set forth in the Urban</p>
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² See, e.g., *State Water Contractors, et al. v. Delta Stewardship Council*, Case No. 34-2013-80001530 (Sacramento Super. Ct., filed June 14, 2013); *San Luis & Delta-Mendota Water Authority and Westlands Water Dist. v. Delta Stewardship Council*, Case No. 34-2013-80001500 (Sacramento Super. Ct., filed May 24, 2013); *Delta Stewardship Council Cases*, JCCP No. 4758 (Sacramento Super. Ct., coordinated October 2013).

	<p>Water Management Planning Act (Water Code, §§ 10610-10650). Specifically, Water Code sections 10631, 10632-10635 set forth in detail the requirements for UWMPs. None of the six “details” in WR R4 is among the Water Code requirements for UWMPs. Thus, DWR lacks the authority to require water suppliers to include any of those details in their UWMPs.³</p> <p>Thus, draft Related Action 7.2.2 should be removed from any future draft of the CWP 2013 Update because it has no basis in the Delta Reform Act, and is inconsistent with the Urban Water Management Planning Act.</p> <p>2. Draft Related Action 7.2.2 is inconsistent with the fundamental local planning purposes of UWMPs.</p> <p>UWMPs are local planning documents that are intended to promote more reliable water supplies at the local planning level, not to achieve statewide policy objectives such as regional reduced reliance on the Delta watershed to meet California’s future water supply needs. This mismatch between the local nature of UWMPs and the <u>statewide</u> investment strategy to achieve reduced reliance on the Delta watershed by improving <u>regional</u> self-reliance articulated in Water Code section 85021 is further evidence that neither the Delta Stewardship Council, nor DWR, has the authority to mandate draft Related Action 7.2.2.</p> <p>3. If DWR revises the UWMP guidelines to include an “expanded” reliability element, it must consult with and include the regulated community in the process.</p> <p>In the past, DWR has not afforded the regulated community the opportunity to actively participate in the process of updating its guidelines for preparation of UWMPs. But in the past, DWR was simply drafting guidelines to implement the express requirements in the Urban Water Management Planning Act. Related Action 7.2.2 represents a fundamental departure from that narrow, statutorily proscribed focus that would require meaningful input from and participation of the regulated community.</p>
Action 7.2.3	<p>Draft Related Action 7.2.3 should be revised to expressly include the regulated community in the advisory group on water efficiency and water resource development.</p> <p>This draft related action refers to DWR and the SWRCB establishing an advisory group with “other state agencies and stakeholders” to, among other things, “evaluate and recommend updated goals for additional water efficiency and water resource development.” Again, the regulated community should expressly be included as part of the advisory group. Water suppliers have technical expertise and knowledge of local and regional conditions required to inform such goal setting.</p>
Action 7.2.4	<p>Draft Related Action 7.2.4 should be revised because as currently drafted, it is not consistent with Water Code section 85021.</p> <p>Metropolitan agrees that State grant and loan ranking criteria should be revised to be consistent with Water Code section 85021 and should be applied state-wide. However, this means that the loan ranking criteria should be revised in a manner that any water supplier receiving water from the Delta watershed that applies for funding for a project or program that would result in reduced regional reliance on water from the Delta watershed should receive priority for State grants and loans.</p>

³ In stark contrast with DWR’s authority under the Urban Water Management Planning Act, Water Code section 10541(d) provides DWR with discretion to “periodically review and update the [project solicitation and evaluation] guidelines [to enable broad and diverse participation in of IRWMP development and refinement] to accommodate changes in . . . statutory requirements, . . . and changes in state water management policy.” The Urban Water Management Planning Act lacks any similar provision for DWR to develop new guidelines for awarding grants or loans. Thus, if the Legislature had intended to grant DWR new authority to revise the requirements for UWMPs or AWMPs as proposed in the PRD, it would have expressly done so in the 2009 legislative package.

	<p>Consistency with Water Code section 85021 does <u>not</u> mean, as the Delta Stewardship Council opines,⁴ that such grants and loans should be contingent on specific revisions to UWMPs or other local or regional water planning documents recommended by the Delta Stewardship Council in WR R4 or elsewhere in the Delta Plan. As demonstrated above, neither section 85021 nor any other provision in the Delta Reform Act authorizes DWR to require an “expanded” water reliability element in UWMPs, AWMPs, or IRWMPs.</p> <p>As with any proposed revisions to guidelines for preparation of UWMPs, any revisions to State grant and loan criteria should afford the regulated community a meaningful opportunity to participate in the planning process alongside DWR, SWRCB, CDPH and other state agencies. Thus, instead of using the general phrase “other agencies” on page 8-19, line 25, the text should be modified to expressly include the regulated community.</p>
Action 7.2.5	<p>Draft Related Action 7.2.5 should be revised to more accurately reflect the purpose and project description of the BDCP to ensure consistency with the Draft BDCP that is scheduled for release for public review on December 13, 2013.</p> <p>Any summary of the BDCP included in the CWP 2013 Update should be consistent with the Draft BDCP that is scheduled for release for public review on December 13, 2013. As the draft text stands, it oversimplifies the BDCP and potentially misrepresents the purpose and legal standards that the BDCP must meet in order to be approved as a Habitat Conservation Plan/Natural Communities Conservation Plan. Summary language is already available in the Second Administrative Draft BDCP (Mar. 2013) and the Second Administrative Draft BDCP EIR/EIS (May 2013). However, given the imminent release of the public review draft of the BDCP, Metropolitan recommends consulting that draft and quoting or cross-referencing the language that appears in that draft to ensure consistency and avoid any potential misrepresentations.</p>
Action 7.2.6	<p>Draft Related Action 7.2.6 should be revised to require that <i>all</i> water users and suppliers be full participants in a coordinated statewide system for water use reporting.</p> <p>Metropolitan agrees that a coordinated statewide system for water use reporting should be developed. However, it is inappropriate to single out “water suppliers that export water from, transfer water through, or use water in the Delta watershed” to be full participants.⁵ All water users and suppliers throughout the state should be full participants. To that end, Metropolitan suggests that the draft action be revised accordingly.</p> <p>Metropolitan also recommends that Draft Related Action 7.2.6 should expressly state that the water use reporting system that is developed should avoid duplication with other water use reporting processes required under current law.</p> <p>In addition to the agencies specifically called out for participation in the process of developing the reporting system (PRD p. 8-19:38-39), Draft Related Action 7.2.6 should be revised to expressly include water suppliers and water users that will be the end users of the water use reporting system.</p>
Action 7.2.7	<p>Draft Related Action 7.2.7 should be deleted from the CWP 2013 Update because the Delta Stewardship Council, not DWR, is charged with providing the information relating to tracking progress toward achieving the coequal goals.</p> <p>Draft Related Action 7.2.7, which is verbatim identical to Delta Plan Water Resource Recommendation 18 (WR R18), appears to be focused on doing some of the tasks that the Legislature expressly assigned to the Delta Stewardship Council, not DWR. The Delta Reform Act provides, in relevant part:</p>

⁴ Draft Related Action 7.2.4 is substantially identical to Delta Plan Water Resource Recommendation 7 (WR R7). (Delta Plan at p. 104.)

⁵ Draft Related Action 7.2.6 is substantially identical to Delta Plan Water Resource Recommendation 17 (WR R17). (Delta Plan at p. 107.)

	<p>The <u>Delta Plan</u> shall meet all of the following requirements:</p> <p>(a) []</p> <p>(b) <u>Include quantified or otherwise measurable targets associated with achieving the objectives of the Delta Plan.</u></p> <p>(c) Where appropriate, <u>utilize monitoring, data collection, and analysis of actions sufficient to determine progress toward meeting the quantified targets.</u></p> <p>(d) Describe the methods by which <u>the council</u> shall measure progress toward achieving the coequal goals.</p> <p>(Water Code, § 85308, emphasis added.)</p> <p>Moreover, the Delta Reform Act authorizes the Delta Stewardship Council the power to “<u>request</u> reports from state, federal, and local governmental agencies on issues related to the implementation of the Delta Plan.” (Water Code, § 85210(h), emphasis added.) The Delta Stewardship Council does not have the authority to require DWR to collect and provide all the data that the Stewardship Council is charged with collecting. Thus, it is inappropriate for DWR to impose upon itself the task of including “in the next and all future CWP updates information needed to track water supply reliability performance measures identified in the Delta Plan, including . . . improvements in regional self-reliance, reduced reliance on the Delta [sic], . . . and an overall assessment of progress in achieving the coequal goals.” (PRD at 8-19:44-8-20:4.)</p> <p>Metropolitan also notes that on line 3 on page 8-20 the word “watershed” should appear after the word “Delta” to be consistent with the statewide policy of investment in regional self-reliance articulated in Water Code section 85021, which provides that “[e]ach region that depends on water from the Delta <u>watershed</u> shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.” (Water Code, § 85021, emphasis added.) The policy in section 85021 should not be mischaracterized as applying only to those who use water in the Delta, or those who rely on water from the Delta.</p> <p>As with other Related Actions that require future planning, any proposal to change what information is included in all future CWP updates should be undertaken in consultation with the regulated community, including urban wholesale and retail water suppliers.</p>
<p>Action 7.3</p>	<p>Related Action 7.3 should be revised to remove the term “enhances” from the water quality action because there is no legal requirement for water rights holders or water permittees to enhance designated beneficial uses in the Delta; likewise, the specific deadlines for SWRCB action should be deleted because they lack a basis in law.</p> <p>This draft related action is phrased as follows: “Water quality in the Delta should be maintained at a level that supports, <u>enhances</u>, and protects beneficial uses identified in the applicable SWRCB or RWQCB water quality control plans.” (Public Review Draft at p. 8-20:8-9, emphasis added.) The word “enhances” should be deleted because there is no legal requirement that water quality in the Delta be maintained at a level that “enhances” designated beneficial uses in waters of the Delta.</p> <p>In addition, the draft related action 7.3.1 calls on the SWRCB to “adopt and begin to implement” the Bay-Delta Water Quality Control Plan objectives for Delta flows “necessary to achieve the coequal goals” by June 2, 2014, and flow objectives “for high-priority tributaries in the Delta watershed that are necessary to achieve the coequal goals” by June 2, 2018. There is no basis in law for setting these specific timing targets for the SWRCB. Accordingly, it is inappropriate to include such specific timetables for SWRCB action in the California Water Plan Update 2013. Furthermore, June 2, 2014 is too early a deadline given the status of the draft CWP 2013 Update and the Bay-Delta Water Quality Control Plan.</p>
<p>Objective 8,</p>	<p>Remove this related action suggesting, “[w]ater shortage contingency plans prepared as part of the</p>

Page 8-21, Action 8	2015 urban water managements plans should increase drought planning from a 3-year drought to a 4-year drought, until more accurate information is available” because DWR lacks the authority to change the UWMP Act. Furthermore, CWP has not offered any rationale that changing the drought planning period is critical or beneficial to local agencies.
Objective 9	No Related Actions were included for this Objective. Will there be an opportunity for public comment on any Related Actions before the final report is published?
Objective 15, page 8-39, Action 15.1	Stakeholders (water agencies) should be involved in evaluating the effectiveness of SB 610 and 221, not just state government. Those entities involved in implementing SB 610 and 221 should be providing input into any recommendations to change the laws.